IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 960 OF 2005
IN
WRIT PETITION STAMP NO. 17119 OF 2003

Kalyan-Dombivali Municipal
Corporation ..Applicant

Vs.

Shahid Ahmed Abdul Salam R. Farid ..Respondent

Mr. Indrajeet R. Kulkarni for applicant.

CORAM: B.H. MARLAPALLE, J.

Date : June 23, 2005.

P.C.:

1. The applicant is the Municipal Corporation of Kalyan Dombivali and it had filed the Writ Petition under Stamp No.17119 of 2003. The registration of the petition came to be refused on account of non removal of office objections and, therefore, this application has been filed for restoration of the same.

2. As per the office note the delay caused is of 270 days in filing this application. The explanation furnished by the learned counsel for the applicant in

this application is as under :-

> "The civil application was given to the previous clerk "Satish Khanwilkar" for filing but he did not filed the same, this aspect came to the knowledge of Advocate only when the said clerk left the Advocate's work and his folders was found in the locker of the Advocate, therefore there is gross delay in filing the civil application."

3. The applicant is a statutory body and it cann't be compared with an ordinary litigant and needless to mention it is expected to be more vigilant on the court proceedings it initiates.

4. Looking at the nature of office objections and the explanation furnished by the learned Advocate for the applicant, the delay deserves to be condoned but by levying cost.

5. Hence, the delay of 270 days in filing the restoration application is hereby condoned subject to payment of cost quantified at Rs.1000/- and same to be

remitted to the Maharashtra State Legal Services Authority within a period of two weeks from today.

6. On payment of the cost, the petition shall stand restored to the file and office objections be removed within one week thereafter, petition should be listed for admission on 21/7/2004.

(B.H. Marlapalle,J.)